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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,756	02/13/2001	Stevan P. Vasic	7885.5	9702

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EXAMINER	
MCCLELLAN, JAMES S	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/782,756	STEVAN VASIC	
	Examiner	Art Unit	
	James S McClellan	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2001*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-93* is/are pending in the application.

4a) Of the above claim(s) *1,4,7-9,14,15,44,59,69,70 and 86* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6,10-13,16-43,45-58,60-68,71-85 and 87-93* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2, 3*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment and Election

1. Applicant's submittal of an amendment was entered on January 2, 2004, wherein:

claims 1-93 are pending;

claims 4, 7-9, 12, 14, 15, 44, 59, 69-78, and 86 have been withdrawn; and

claims 18, 21, 27, 31, 35, 42, 47, 50, 56, 60, 64, 69, 78, 79, and 86-90 have been amended.

2. Applicant's election without traverse of Species Groups A1, B1, C1, D1, and E1 in Paper No. 7 is acknowledged.

Claim Objections

3. Claim 21 is objected to because of the following informalities: "." should be added in line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 3, 5, 10, 13, 16, 22, 37, 38, 40, 41, 43, 45-51, 55-57, 61-68, 79, and 81-85 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences) and therefore are found to be non-statutory subject matter. For a process, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the claims rejected above do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts". The claims rejected above can be carried out manually and therefore does not advance the technological arts. Claim 23 is an example of a statutory method claim that clearly applies technology ("electronic request", "automated teller machine", "transmitted over a computer network"). The Examiner recommends amending the rejected claims to include technology limitations similar to the examples quoted from claim 23.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 5, 10, 11, 13, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Georgetown University Online Payroll Publication (hereinafter "Georgetown").

Georgetown disclose a method of payroll access comprising: receiving a request from an employee (see section 1010.3 "Requesting an Advance"); forwarding funds to the employ on demand (inherent); and deducting forwarded founds from the employee's payroll check (see section 1010.3 "Forward to Payroll"); employees can access wages not yet earned ("Payroll Advances"); said request is authenticated using an personal identification number (see section 1010.3, "social security number"); funds are forwarded all at once (inherent); deductions are from a single pay period (inherent); and said funds are limited to a predetermined amount (see section 1010.3 "80% of employee's net biweekly or net monthly pay").

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 19, 21, 22, 37, 38, 40, 41, 43, 48-51, 56, 57, 61, 62, and 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Georgetown in view of Official Notice.

Regarding **claims 19, 48, 65**, Georgetown discloses all limitations as set forth above but fails to specifically disclose how funds are transferred.

The Examiner takes Official Notice that it is old and well known to transfer payroll funds via an electronic transfer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Georgetown with an electronic transfer as is well known in the art, because electronic transfers expedites the payment process wherein reducing the requirement of the employee to deposit a physical paycheck.

Regarding **claims 21, 22, 37, 50, 51, 56, and 68**, Georgetown discloses all limitations as set forth above but fails to explicitly disclose that a transaction fee is imposed on the employee.

The Examiner takes Official Notice that is old and well known to charge a transaction fee for a payroll advance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Georgetown with a transaction fee as is well known in the art, because charging a transaction fee helps employers pay for the cost of conducting the transaction and also a fee discourages abuse of the payroll advance program.

Regarding **claims 49 and 66**, Georgetown discloses all limitations as set forth above but fails to explicitly disclose specific limitations to the amount of funds available for advance.

The Examiner takes Official Notice that organizations limit the number of payroll advances an employee is granted in a give period of time (for example, 1 or 2 payroll advances per year is common).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Georgetown with a predetermined advance limitation on frequency of payroll advances as is well known in the art, because limiting the frequency of payroll advances

helps reduce the number of payroll advances processed and further prevents employees from regularly relying on advances for small emergencies.

10. Claims 1, 2, 6, 16-18, 23-37, 39, 42, 45-47, 52, 53, 58, 60, 63, 64, 79-85, and 87-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,473,500 (hereinafter "Risafi") in view of Georgetown.

Risafi discloses a method and system for payroll access, wherein an employee access a payroll account via an ATM card (10) at an automated teller machine (106, see column 10, lines 15-17). Employers either deposit the net paycheck for a given pay period or a user selected amount into the payroll account (see column 18, lines 30-43). Fees (see column 14, line 14) may be charged by the bank (102) that issued the card (10). Transmission of request information is transmitted via the Internet (see paragraph bridging columns 11-12). Authentication is verified by the issuer via a PIN (see column 3, line 65). Payroll access is provided through a temporary account (see column 8, liens 5-14) via a bank and funds are forwarded electronically. Payroll access is provided in real-time on demand (see column 14, lines 20-21).

Risafi fails to disclose an employee request for access to payroll prior in advance of the regular payday.

Georgetown discloses an employee requesting a payroll advance as described above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Risafi to prosecute payroll advances as taught by Georgetown, in order to expedite payment of the advance.

11. Claim 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi in view of Georgetown as applied to claim 37 above, and further in view of Official Notice.

The combination of Risafi and Georgetown disclose all claimed element as set forth above, but fail to explicitly disclose posting payroll information on a secure website and granting access to other parties.

The Examiner takes Official Notice that it is old and well known for employees to post payroll information online and that employees may allow other parties (for example, the employee's spouse) access to the information.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Risafi/Georgetown with a payroll website as is well known in the art, because payroll websites allow employees to verify and modify payroll information, deductions, and allocations electronically. Additionally, accessing payroll information on online reduces the costs by employer because the employer may not need to mail paper payroll stubs to their employees.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

University of Notre Dame and CMU are cited of interest for disclosing payroll advance forms.

Kravetz is cited of interest for disclosing a hybrid installment loan/savings account.

Stinson is cited of interest for disclosing a cardless automated teller transactions.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

James S. McClellan
Primary Examiner
A.U. 3627

jsm
March 22, 2003